

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE: DIISOCYANATES)	Master Docket Misc. No. 18-1001
ANTITRUST LITIGATION)	
)	MDL No. 2862
This Document Relates to:)	
All Cases)	

AMBROSE, United States Senior District Judge

ORDER OF COURT

Before the Court is Plaintiffs’ Motion for Alternative Service of Process. The Court has reviewed the parties’ briefs, and the authority cited therein. Within this Circuit, Courts have indicated that where procedures are available under the Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents (the “Convention”), service of process through the Convention is mandatory. See, e.g., Rice v. Electrolux Home Prods., Inc., No. 15-00371, 2018 U.S. Dist. LEXIS 176308, at *10 (M.D. Pa. Oct. 15, 2018); Allstate Ins. Co. v. Funai Corp., 249 F.R.D. 157, 161 (M.D. Pa. 2008). Most of the cases to which Plaintiffs cite in support of alternative service are not persuasive here, as they involved factors such as countries that were not signatories to the Convention, prior failed efforts by plaintiffs to effect service, or the service of documents other than initial process. In this case, all parties agree that the foreign Defendants hail from countries that are Convention signatories, Plaintiffs have made no efforts to effect service through the Convention, and initial process is at issue. Nonetheless, the Court acknowledges Plaintiffs’ concerns about undue delay.

Therefore, Plaintiffs’ Motion is denied, without prejudice. Plaintiffs shall in good faith and without delay attempt service of process in accordance with the Convention. Within sixty

(60) days of the date of this Order, Plaintiffs shall file a status report apprising the Court of the status of such attempts.

AND NOW, this 25th day of February, 2019, IT IS SO ORDERED.

BY THE COURT:

A handwritten signature in cursive script, reading "Donetta W. Ambrose".

Judge Donetta W. Ambrose
Senior Judge, U.S. District Court